

Serial No.: 09/973,671

REMARKS

Claims 1-18 are pending in the present application after this amendment adds new claim 18. Claims 1, 2, 4, 5, 7, 8, 10-14, 16, and 17 have been amended to correct typographic errors, to respond to the rejections under 35 U.S.C. §112, §102, and §103, and/or to further clarify the subject matter recited therein. No new matter is added by the amendments, which find support throughout the specification and figures. In view of the amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

Applicants note with appreciation that the Examiner has returned initialed copies of the Information Disclosure Statements filed in the present application.

The Examiner has not acknowledged receipt of the priority documents in the present application, and Applicants respectfully request such acknowledgement in the next communication from the Office.

The Examiner rejects claims 2, 5, 8, 11, 12, and 14 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner rejects claims 2, 5, 8, 11, and 14 due to the use of the word "stage", which the Examiner asserts is unclear.

The claims are amended herein to recite that the fees are discrete. For instance, regarding claim 2 has been amended to recite, *inter alia*, that the fees for the services to be provided to the service beneficiaries are set at *discrete* stages of the frequency and the quantity of advertising selected *and wherein at least one of the discrete stages includes free of charge*. It is respectfully submitted that the amendment to claim 2 discussed above, and the similar amendments to claims 5, 8, 11, and 14, clarify that the stages represent discrete fees, and it is therefore suggested that the claims are definite, and respectfully requested that the rejection be withdrawn.

Serial No.: 09/973,671

The Examiner rejects claim 12 due to the use of the term "changing means". The Examiner interprets the term as a user interface enabling the client to change the type of service desired. Claim 12 is amended to clarify that the changing means include an interface adapted to accept a modification of the selection of at least one of the frequency and the quantity of advertising to be added to the contents to be distributed. It is therefore suggested that the claims are definite, and respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 1, 3, 4, 6, 7, 9, 10, 12, 13, and 15-17 under 35 U.S.C. §102(b) as anticipated by the article written by David DeKok entitled "Low-priced Internet access offered Subscribers would see floating ad banners on PCs" in the Patriot - News, August 12, 1999 on page B.07 (hereinafter referred to as DeKok). Applicants respectfully traverse.

Claim 1 relates to a method of providing services that includes making service beneficiaries select at least one of the frequency and the quantity of advertising to be added to the services provided. In amended claim 1, *the services are provided when the selection is made*. The method according to claim 1 also includes setting a fee for the provision of services to the service beneficiaries, according to at least one of the frequency and the quantity of advertising selected.

The Examiner asserts that DeKok discloses all of the features of claim 1. DeKok apparently discusses a variable pricing scheme in which users may select a discounted access charge in exchange for accepting banner ads. However, DeKok does not appear to discuss that the services are provided when the selection is made. The only discussion in DeKok relating to the selection appears to be on page 2, line 30, which states that "[f]or more information or to sign up for the service, check" This sign up does not occur while the service is being received by

Serial No.: 09/973,671

the user or provided by the content provided. The sign up is apparently an initial contact and not via the ongoing service. Therefore, DeKok does not disclose or suggest this feature, and for at least this reason claim 1 is allowable.

Independent claims 4, 7, 10, 13, 16, and 17 have been amended to include a feature similar to that discussed above in regard to claim 1. For instance, claim 10 has been amended to include the feature that the selecting means communicates with the distribution means to perform the selection, and claim 13 has been amended to include the feature that the contents are distributed when the selection is made. Therefore, for at least the same reasons discussed above in support of the allowability of claim 1, independent claims 4, 7, 10, 13, 16, and 17 are also allowable.

Claims 3, 6, 9, 12, and 15 depend from claims 1, 4, 7, 10, and 13, respectively, and are therefore allowable for at least the same reasons as their respective base claims are allowable.

The Office Action rejects claims 2, 5, 8, 11, and 14 under 35 U.S.C. §103(a) as unpatentable over DeKok in view of the article written by Lashabi Britton entitled "Free at last" in Black Enterprise, November 2000, vol. 31, issue 4, page 70 (hereinafter referred to as Britton). Applicants respectfully traverse.

Britton fails to cure the deficiency discussed above in regard to DeKok as applied against the independent claims, as discussed above. Therefore, claims 2, 5, 8, 11, and 14 are allowable for at least the same reasons as their base claims are allowable.

New claim 18 depends from claim 1 and is therefore allowable for at least the same reasons as claim 1 is allowable. Additionally, claim 1 recites that the selection is received via a user interface and that the services are provided via the user interface. It is respectfully submitted

Serial No.: 09/973,671

that none of the cited references disclose or suggest this feature, and that for at least this additional reason claim 18 is allowable.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian E. Hennessey
Reg. No. 51,271

CUSTOMER NUMBER 026304
Telephone: (212) 940-8800
Fax: (212) 940-8986/8987
Docket No.: 100809-16271 (SCEY 19.057)
BEH:pm